





*Oregon*  
**L A W S**

**RELATING TO**

**COMMON SCHOOLS**

**AND**

**SCHOOL LANDS, IN OREGON:**

**PUBLISHED BY ORDER OF**

**THE LEGISLATIVE ASSEMBLY.**

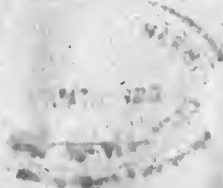


**CORVALLIS, OREGON :**  
**ASAHEL BUSH, TERRITORIAL PRINTER.**  
**1855.**

L.B 2529

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1855



PORTLAND, OREGON  
JAN 20 1855

TMP92-0084C8

AN ACT PROVIDING FOR THE PRINTING AND DISTRIBUTION OF  
CERTAIN LAWS IN PAMPHLET FORM.

SECTION 1. *Be it Enacted by the Legislative Assembly of the Territory of Oregon,* That the Territorial Printer be, and is, hereby authorized and directed to print, in pamphlet form, the following laws, to-wit: An act relating to election of justices of the peace, and constables, and to proceedings in justices' courts; An act relating to common schools and school lands; All acts relating to elections, and the mode of supplying vacancies in office; And an act relating to roads and ferries—each in separate bindings—and one thousand copies

SEC. 2. As soon as said laws are printed and bound, the Territorial Printer shall deliver them into the possession of the Secretary of the Territory, and his receipt therefor shall be a sufficient voucher to entitle said Territorial Printer to pay for the work, as provided by law. The Secretary shall, immediately, upon receipt of such laws, distribute them to the several county Auditors of the Territory, in proportion to the population of their respective counties—said Auditors shall then distribute them appropriately among the several officers of the county, the laws relating to justice, &c, to the justices of the peace; the laws relating to schools, to the superintendent of schools, to be distributed among the several school districts; the laws relating to roads and ferries, to overseers of highways; the acts relative to elections, to judges and clerks of election, and to county commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

*Passed the House of Representatives, January 29, 1855.*

*Passed the Council, January 30, 1855.*



# COMMON SCHOOL LAW.

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## AN ACT RELATING TO COMMON SCHOOLS AND SCHOOL LANDS.

### CHAPTER I.

#### COMMON SCHOOLS.

- SEC. 1. School fund, how provided.
2. Authority of commissioners to levy taxes for school taxes.
  3. Fines, &c.. to be appropriated for school fund.

SECTION 1. *Be it Enacted by the Legislative Assembly of the Territory of Oregon:* That the principal of all moneys accruing to this territory from the sale of any land heretofore given, or which may be given by the Congress of the United States, and all bequests made by any person or persons to the Territory for school purposes, shall continue an irreducible fund, the interest accruing from which shall be annually divided among all the school districts in the territory, proportionably to the number of children or youth in each district, between the ages of four and twenty-one, for support of common schools in said district, and for no other use or purpose whatever.

SEC. 2. For the purpose of establishing and maintaining common schools, it shall be the duty of the county commissioners of each county to lay an annual tax of two mills on the dollar, on all the taxable property of the county, as shown by the assessment roll made by the county assessors, for the same year, and to include the same in their estimate to the collector, and the said collector shall proceed to collect the said tax in the same manner as the other tax is collected; and the said money so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts, to be drawn in the same manner as hereinafter prescribed.

SEC. 3. For the further support of common schools, there shall be set apart, by the county treasurer, all moneys paid into the county treasury, arising from all fines for a breach of any penal laws of this territory. Such moneys shall be paid into the county treasury, and be added to the yearly school fund raised by tax in each county, and divided in the same manner.



## CHAPTER II.

### ELECTION OF COUNTY SUPERINTENDENT.

- SEC. 1. County superintendents; their election and term of office.
2. When to qualify; oath to be filed.
  3. To divide county in districts, map of districts.
  4. Notice of formation of district how given; when renewed.
  5. Examination of school teachers by superintendent.
  6. Superintendent to visit schools yearly; his duties as visitor.
  7. Yearly report of superintendent.
  8. Annual apportionment of school fund when to be made.
  9. Superintendent when to issue orders on treasurer for funds appropriated to districts.
  10. Superintendent to collect fines, &c., due to school fund, and prosecute for trespass, &c., on school lands.
  11. Trespasses on school lands indictable.
  12. Other lands to be selected in lieu of sections sixteen and thirty-six occupied before survey.
  13. Compensation of superintendent.

SEC. 1. There shall be elected by the legal voters of their respective counties at the annual elections, a county superintendent of common schools for each county, who shall hold his office for the term of three years, and until his successor is duly qualified.

SEC. 2. The superintendent shall qualify within ten days after notice of his election, by taking an oath faithfully to discharge the duties of his office, and to the best of his ability promote the interest of education within his county, which oath shall be in writing and placed on file in the county clerk's office.

SEC. 3. It shall be the duty of the superintendent to divide such portion of his county as shall be inhabited, into convenient school districts; to define the boundaries and numbers; and to prepare and keep in his office a map of the districts of the county upon which the lines and boundaries of each district shall be clearly defined; and shall lay off new districts, or divide old ones when the public good shall require it.

SEC. 4. Whenever any school district shall be formed by the superintendent, it shall be his duty to prepare a notice in writing, of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district, who shall have asked for the formation of the same. It shall be the duty of said inhabitant, within two weeks after the receipt of such notice, to notify the other inhabitants of the district, of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted up in three public places in the district, at least ten days



previous to the time of meeting. In case the inhabitants fail to attend in sufficient numbers to do business as hereafter directed, notice may be renewed at such times as may be thought proper.

SEC. 5. It shall be the duty of the superintendent to examine all persons who wish to become teachers in his county; he shall examine them in orthography, reading, writing, arithmetic, English grammar and geography; and if he be of the opinion that the person examined is competent to teach said branches, and that he or she is of good moral character, he shall give such person a certificate, certifying that he or she is qualified to teach a common school in said county; such certificate shall be for the term of one year only, and may be revoked sooner by the superintendent for good cause.

SEC. 6. The superintendent shall visit all the schools taught in his county, by a qualified teacher, at least once a year; he shall give such information and encouragement as he may think necessary, and endeavor to promote the introduction of good and uniform system of school books throughout the county.

SEC. 7. It shall be the duty of the superintendent to receive the district reports hereinafter provided for, and keep them on file in his office; and he shall at least ten days before the first Friday in November of each year, make out from the district reports, a statement of the number of the scholars in the county; the number of school houses; the number of school libraries; the number of districts; in how many districts a school has been kept the past year; what school books are principally used; what proportion of all the scholars in the county have attended school for the past year; and the amount of money paid to teachers. This statement, together with such other information and suggestions as he may deem important to the cause of education, he shall file in his office, and may, if convenient, publish it in some newspaper in this territory.

SEC. 8. It shall be the duty of the superintendent, at least fifteen days before the first Friday in November of each year, to make an apportionment of the school fund in the county treasury, among the several school districts in their respective counties, in proportion to the number of persons in the district over the age of four, and under twenty one years, and certify the amount due to each district, which shall be drawn as hereafter directed; and he shall forthwith notify the clerks of the school districts of the amount due their respective districts.

SEC. 9. When the districts shall have complied with the law, as hereafter directed, it shall be the duty of the superintendent to issue orders on the county treasury in favor of the clerks of the districts, for the amount of the school funds appropriated to each; on the presentation of which order, the treasurer of the county shall pay over to the clerks of the districts all moneys due the respective districts, and the clerks shall indorse on said order a receipt for so much as shall be paid thereon, and they shall also sign a duplicate receipt, which shall be deposited with the superintendent, who shall credit the treasury of the county therewith, and charge the same to the proper district.

SEC. 10. The superintendent shall, in the name of the county, collect, or cause to be collected, all moneys due the school fund from fines, or from any other source in his county; and until the legislature shall make some provision for the disposal of the school lands given by Con-

gress to the territory for school purposes, it shall be the duty of the superintendent to preserve said lands from injury and trespass; and when it shall come to his knowledge that any trespass has been committed on such lands, by cutting off timber, or other material, from such lands, he shall immediately proceed against such trespasser, as provided by law in other cases, and he shall make complaint of the same before the grand jury of the proper county, at the first regular term of court, after he has obtained a knowledge of such trespass.

SEC. 11. Any person trespassing upon, or injuring the school lands, as mentioned in the preceding section, shall be liable to be indicted for the same, and upon conviction, shall be fined in double damages, one-half to be paid into the irreducible fund mentioned in the first section of this act, and the other half to be paid into the county treasury for the use of the county.

SEC. 12. It shall be the duty of the county superintendent to ascertain what portions of sections numbered sixteen and thirty-six, in each township in his county, are claimed by settlers occupying the same before the survey was made. Upon ascertaining the amount thus claimed in any township, he shall proceed without any unnecessary delay, to select other lands in lieu thereof, and make report to the surveyor general of such selections; which report shall describe the lands so selected, by numbers, and also state the amount, as near as may be; it shall also state what townships contain the unoccupied lands that were selected in lieu thereof. It shall also be his duty to give public notice of such selection by posting up notices in three public places in his county, one which shall be at the county seat, and the others in the vicinity of the lands selected, describing said lands by their numbers, and such other description as he may deem expedient.

SEC. 13. The said superintendent shall be allowed out of the county treasury, in compensation for his services, the sum of one hundred dollars a year. The county commissioners, may, in their discretion, if they think the services rendered demand it, increase his salary to any sum not exceeding five hundred dollars a year.

## CHAPTER III.

### SCHOOLS.

- TITLE I. *School Meetings.*  
TITLE II. *Clerks.*  
TITLE III. *Teachers.*

#### TITLE I.

##### *School Meetings.*

- SEC. 1. When school meeting may be called; as to what shall constitute a quorum.  
2. Power of such meeting the same as regular yearly meeting.  
3. Organization of meeting; election of directors.  
4. Directors to qualify within ten days after election.  
5. Duty and powers of directors.  
6. Two directors constitute a quorum.  
7. Duty of directors to visit schools; promote uniformity of education, and prescribe rules for discipline.

SEC. 1. A school meeting may be called at any time for the purpose of organizing a new district, as provided in section four, under the title of county superintendent. No number less than five legal voters shall constitute a quorum, to do business in any district meeting.

SEC. 2. Such school meeting shall have power to do all necessary business, the same as the regular annual school meeting would have.

SEC. 3. Such meeting when assembled, shall organize by the appointment of a chairman and secretary. It shall then proceed by ballot to elect three directors, who shall hold their office till the next annual meeting, and until their successors are elected and qualified.

SEC. 4. The directors shall qualify within ten days after their election, by taking an oath or affirmation faithfully to discharge the duties of the office, to the best of their abilities; and to promote the interest of education within their district. The chairman of such meeting shall be authorized to administer this oath, which shall be in writing and filed with the clerk of the district.

SEC. 5. It shall be the duty of the directors of every school district:

1. To call special meetings of the district whenever they shall deem it necessary;
2. To make out a tax list of every district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant set opposite his name;

3. To annex to such tax list a warrant directed to the clerk of the district, for the collection of the sums in such list mentioned, including five per cent. for the fees of said clerk ;

4. To purchase or lease a site for the district school house, as designated by a meeting of the district, and to build, hire or purchase, keep in repair and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to the clerk for such purpose, and to have the custody and safe keeping of the district school house ;

5. To contract with and employ teachers ; *Provided*, that no teacher shall be employed who shall not produce a certificate from the county superintendent as is required by law, of good moral character and qualification to teach a district school ;

6. To give orders to the teachers on the district clerk for their wages.

SEC. 6. Any two of said directors shall constitute a quorum to do business.

SEC. 7. It shall be the duty of the directors to visit and examine the school or schools of their respective districts, at least twice in each term, they shall endeavor to procure the introduction of a good and uniform system of school books in their district ; and when the teacher experiences difficulty in the government of the school, it shall be his duty to refer the cases of disorderly scholars to the directors, who shall decide whether such refractory scholars shall be compelled by suitable punishment to conform to the rules of school or be expelled from it.

## TITLE II.

### *Clerks.*

SEC. 8. Election of clerks.

9. Duty of clerks.

10. Annual report when to be made and what to contain.

11. Annual accounts ; clerk when to pay over to successor.

12. Annual school meetings when held ; notice of meeting.

13. As to who may vote at school meeting.

14. Adjournments.

15. Power of meeting to levy certain tax ; library.

16. Notice of tax to be given in call for meeting.

17. Organized school district a body politic.

18. District tax how assessed by directors.

SEC. 8. The first school meeting shall also elect a district clerk, who shall continue in office for the term of one year and until his successor is elected and qualified. He shall qualify within ten days after his election, by giving bond to the district directors in such sum as they may require, that he shall well and truly perform the duties of his office, and pay over all moneys coming into his hands by virtue of his office, as by law directed. If a clerk be elected to fill a vacancy, he shall continue in office for the unexpired term ; and if elected at the first meeting, not being the regular annual meeting, he shall continue in office until the next annual meeting.

SEC. 9. It shall be the duty of the clerk of each district :

1. To record the proceedings of his district in a book, to be provided for that purpose by the district ;

2. To give notice of annual or special meetings ;

3. To procure a list of all persons in the district between the ages of four and twenty-one years ;

4. To collect all district taxes which he shall be required by the warrant from the directors to collect within the time limited in each warrant for its return ; and he shall have the same authority to enforce the collection of such tax, as the county collector has for collecting the county tax, and he shall be allowed five per cent. for collecting ;

5. To retain a copy of all reports made to the county superintendent relating to the affairs of the district.

SEC. 10. It shall be the duty of the clerk to furnish the county superintendent, at least twenty days before the first Friday in November of each year; a report containing the number of scholars in his district, over four and under twenty-one years of age ; how long a school has been kept in his district the past year ; what school books are principally used ; what proportion of the scholars in the district have attended school ; and the amount of money paid to teachers.

SEC. 11. The clerk of each district shall, at the close of each year of his office, make out in writing a just and true account of all moneys received by him for the use of the district, and the manner in which the same shall have been expended, which account shall be read at the annual district meeting. The clerk shall pay over all moneys remaining in his hands belonging to the district, to his successor, when his successor has legally qualified, and upon a refusal or neglect so to do, the directors shall forthwith bring suit upon his bond.

SEC. 12. There shall be an annual school meeting held in each district upon the first Friday in November ; and notices of all annual or special meetings shall be in writing, signed by the clerk or directors of the district, and shall state the object for which the meeting is called ; and shall be posted up in three public places in the district, at least six days previous to the day of holding such meeting.

SEC. 13. Every inhabitant over the age of twenty-one years, who shall have resided in any school district for one month, immediately preceding any district meeting, and who shall have paid, or be liable to pay any tax except road tax, in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote.

SEC. 14. Any school meeting shall have power to adjourn from time to time as occasion may require.

SEC. 15. A school meeting legally called shall have power by the vote of a majority present, to levy a tax on all the taxable property in the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire or purchase a school-house, and keep it in repair, and furnish the same with necessary fuel and appendages, and to levy an additional tax on the district for the purchase or increase of a district library, globes, maps and such apparatus as the interest and well-being of the school shall require. The library shall consist of such books as the district meeting shall direct.

SEC. 16. In all cases when a tax is to be levied, it shall be stated in the notices given of the meeting, for what purpose or purposes a tax is to be levied.

SEC. 17. When a district is organized, it shall be to all intents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school-



houses in their own district ; and it shall be the duty of the directors to prosecute or defend any demands for or against their district, and notice shall be served upon one of the directors of any suit brought against a district.

SEC. 18. All district taxes shall be assessed by the directors, according to the valuation of property made for the assessment of county taxes, and shall be collected by the clerk of the district, with an addition of five per cent. on the same, which the clerk shall receive, for his services. Any person aggrieved by an excessive assessment of the directors of any school district, may have the same reduced by his own affidavit or any competent testimony, to the satisfaction of the clerk.

### TITLE III.

#### *Teachers.*

SEC. 19. Teacher to procure certificate of character; register.

SEC. 19. It shall be the duty of every teacher of a common school to procure a certificate of qualification and good moral character, before entering on the duties of a teacher. It shall be his duty to keep a register of the names of the children attending school, their age, the time when they begin, the time they continue, and of their daily attendance, which register shall be filed with the clerk of the district at the close of every term.

### CHAPTER IV.

#### MISCELLANEOUS PROVISIONS.

- SEC. 1. Minutes of first meeting to be signed by chairman and secretary, and delivered to clerk.
2. Who to be chairman and secretary.
  3. Meetings may alter or repeal prior proceedings.
  4. Power of meeting to levy tax.
  5. Districts failing to organize or report not entitled to school fund; proviso.
  6. County superintendent to apportion funds to organize districts only.
  7. Schools, when to be free.
  8. When scholars not in district may attend without charge.
  9. County superintendent may hold any other office in territory.
  10. When directors to appoint labrarian.
  11. Act, when to take effect.

SEC. 1. The minutes of the first school meeting shall be signed by the chairman and secretary, and delivered to the clerk of the district, who shall file the same in his office.

SEC. 2. In all school meetings, the director whose term of office shall first expire shall act as chairman, and the clerk of the district shall act as secretary.

SEC. 3. District meetings shall have power to repeal, alter or modify their proceedings from time to time as occasion may require.

SEC. 4. District meetings, legally called, shall have power to levy a tax upon the property of the district for any purpose whatever, connected with, and for the benefit of schools, and the promotion of education in the district. *Provided*, that two thirds of the legal voters present are in favor of such tax.

SEC. 5. Any new district failing to organize and report to the county superintendent the number of children over four and under twenty-one years of age in said district, at least twenty days before the first Friday in November, or any district having been organized for the term of one year or more, failing to report to the county superintendent, as is required in section eleven of the chapter entitled "School Meetings," in this act, shall not be entitled to any portion of the county school fund for the year; *Provided*, that if the clerk of any school district shall fail to make such report, any inhabitant of such district may make such report, verified on oath, and the county superintendent shall receive it, the same as if made by the clerk.

SEC. 6. The county superintendent shall apportion all the county school fund for that year, among those districts only which have organized and reported according to law.

SEC. 7. Whenever a school is kept in any district, the teacher of which shall be supported out of the general county school fund, or by tax on the district as aforesaid, such school shall be open and free to all children between the ages of four and twenty-one years in such district.

SEC. 8. The directors of any district may permit scholars living out of the district to attend school with or without charge, as they may deem proper.

SEC. 9. No person shall be disqualified to hold the office of county superintendent, district director or clerk, on account of holding any other office within the territory at the same time.

SEC. 10. It shall be the duty of the directors to appoint a suitable person for librarian, when the district shall have procured a library.

SEC. 11. This act to take effect and be in force from and after its passage.

*Passed January 12th, 1854.*

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#### AN ACT TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO COMMON-SCHOOLS AND SCHOOL LANDS.

- SEC. 1. First Friday of April substituted for same of November.
- 2. Apportionment of school fund void in certain cases; proviso.
- 3. Of apportionment of school fund.
- 4. Superintendents to post notices.
- 5. Duties of superintendents concerning school lands.
- 6. Conflicting laws repealed.
- 7. When act takes effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*: That the words "first Friday of April," be substituted in



place of the words "first Friday of November," wherever they occur, in the act entitled "An act relative to common schools and school lands."

SEC. 2. In all cases where the county superintendents have apportioned the school fund arising from tax and other sources, and where the money has not been paid out by the treasurer, such apportionment shall be null and void; *Provided*, that this section shall not effect the apportionment in the county of Clackamas, or that of any county where all the school districts of the county shall have complied with the provisions of the act entitled "An act relating to common schools and school lands."

SEC. 3. It shall be the duty of the school superintendents of the different counties, at least ten days before the first day of April next, and of each year thereafter, to apportion all the money in the treasury, applicable to common school purposes, among the school districts of the counties that shall have organized and made returns according to law, fifteen days before the said first day of April.

SEC. 4. It shall be the duty of the county superintendents to call the attention of the people of their respective counties, to the importance of a compliance with the requirements of this law, and the consequences of a failure to do so, by posting up notices, or otherwise, within ten days after he shall have received a copy of this act.

SEC. 5. It shall be the duty of the county superintendents to ascertain what portions of sections numbered sixteen and thirty-six, in each township in his county, are claimed by settlers occupying the same before the survey was made; upon ascertaining the amount thus claimed in any township, he shall proceed, without any unnecessary delay, to select other lands in lieu thereof, and make report to the Surveyor General, or such other officer as may be appointed by law for that purpose, of such selections, which report shall describe the lands so selected by numbers, and also state the amount, as near as may be, it shall also state what townships contain the unoccupied lands, that were selected in lieu thereof, it shall also be his duty to give public notice of such selection, by posting up notices in three public places in his county, one of which shall be at the county seat, and the others in the vicinity of the lands selected, describing said lands, by their numbers, and such other description as he may deem expedient.

SEC. 6. That all acts and parts of acts, in conflict with this act, are here hereby repealed.

SEC. 7. This act to take effect and be in force from and after its passage.

*Passed January 22d, 1855.*

## AN ACT SUPPLEMENTAL TO THE ACT RELATING TO COMMON SCHOOLS AND SCHOOL LANDS.

SEC. 1. Sec. 11th, chap. 2, to which this is supplemental, made applicable to University Land.

2. School superintendents authorized to loan moneys belonging to the different school districts.



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